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EXAMINER
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SYED, FARHAN M

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PAPER

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**MAILED**

**FEB 07 2008**

**Technology Center 2100**

Application Number: 10/777,577  
Filing Date: February 12, 2004  
Appellant(s): ROY ET AL.

Jack G. Abid (Reg. No. 58,237)  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 26 November 2007 appealing from the Office action mailed 14 June 2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

2002/0016818	Kirani et al	2-2002
2002/0160773	Gersham et al.	10-2002

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-13, 15-17, 19-21, 23-25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirani et al (U.S. Patent Pub. 2002/0016818 A1 and known hereinafter as Kirani) in view of Gresham et al (U.S. Patent Pub. 2002/0160773 A1 and known hereinafter as Gresham).

As per claims 1, 13, 17, 21 and 25, Kirani teaches a communications system comprising: a plurality of electronic (email) data storage devices (i.e. SMTP Mail

server)(Figure 3) each using at least one of a plurality of different operating protocols (i.e. "During operation, a server (which embodies the present invention) determines the type of device the recipient is using. This determination may be based on previously-set configuration information (e.g., using user-specified configuration settings), or may be detected dynamically (e.g., during a request to retrieve e-mail messages from a particular user's e-mail in-box). In instances where compatibility with existing communication protocols (e.g., SMTP) is desired, client device configuration information is specified by the recipient user beforehand, for instance, via a Web-page data entry form. If compatibility with existing communication protocols is not required, a communication protocol may be employed that includes protocol commands that allow the capabilities of a target device to be determined.")(Paragraph [0065]); a plurality of mobile wireless communications devices (i.e. wireless devices)(Figure 3) for accessing said email data storage devices (i.e. SMTP Mail server)(Figure 3) and each using at least one of the plurality of different operating protocols (i.e. "The present invention provides supplementary e-mail-delivery processing adding value to the established e-mail systems serving their senders and receivers. This includes protecting a given e-mail recipient, who is typically using a handheld wireless client device or other portable device, from confronting an oversized attachment, and further includes providing the recipient with options for how to receive large e-mail attachments. Additionally, the present invention includes built-in intelligence for filtering e-mail attachments according to the capabilities of a particular recipient's device type.")(Paragraph [0063]); and a protocol engine module (i.e. WAP)(paragraph [0030]) for communicating with said plurality of email data storage devices using respective operating protocols (i.e. "WAP: Abbreviation for Wireless Application Protocol. WAP is a communication protocol, not unlike TCP/IP, that was developed by a consortium of wireless companies, including Motorola, Ericsson, and Nokia, for transmitting data over wireless networks. For a description of WAP, see e.g., Mann, S., The Wireless Application Protocol, Dr. Dobb's Journal, pp. 56-66, October 1999, the disclosure of which is hereby incorporated by reference." "In cases wherein the capabilities of the client device are determined by

database records of antecedent user interactions and where the user uses multiple types of client devices to receive messages from the system, the present invention applies a transformation on the current attachment that corresponds to the least capable in the set of those multiple devices. When applying a protocol allowing determination of recipient device type (e.g., Wireless Application Protocol (WAP)), the present invention may automatically perform the optimum transformation/formatting specific to the targeted type of device, thereby rendering user input unnecessary. In such a WAP-enabled embodiment, if the user used several types of client devices to receive e-mail, the system is capable of automatically delivering and storing multiple formats of all the multimedia attachments." "When applying a protocol allowing determination of recipient device type (e.g., Wireless Application Protocol (WAP)), the present invention may automatically perform the optimum transformation specific to the targeted type of device, thereby rendering user input unnecessary. In such a WAP-enabled embodiment, if the user used several types of client devices to receive e-mail, the system is capable of automatically delivering and storing multiple formats of all the multimedia attachments.") (Paragraphs [0030, 0039, 0077]), said front-end proxy module and said protocol engine module communicating using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol (i.e. "CGI is an acronym for Common Gateway Interface, a specification for transferring information between a World Wide Web server and a CGI program. A CGI program is any program designed to accept and return data that conforms to the CGI specification. The program could be written in any programming language, including C, Perl, Java, or Visual Basic." "System 200 includes a graphical user interface (GUI) 215, for receiving user commands and data in a graphical (e.g., "point-and-click") fashion. These inputs, in turn, may be acted upon by the system 100 in accordance with instructions from operating system 210, and/or client application module(s) 201. The GUI 215 also serves to display the results of operation from the OS 210 and application(s) 201, whereupon the user may supply additional inputs or terminate the session. Typically, the OS 210 operates in conjunction with device drivers 220 (e.g., "Winsock" driver--Windows' implementation of a TCP/IP stack) and the system BIOS microcode 230 (i.e., ROM-based microcode), particularly when interfacing with peripheral devices. OS 210 can be provided by a conventional operating

system, such as Microsoft.RTM. Windows 9x, Microsoft.RTM. Windows NT, Microsoft.RTM. Pocket PC, Microsoft.RTM. Windows 2000, or Microsoft.RTM. Windows XP, all available from Microsoft Corporation of Redmond, Wash. Alternatively, OS 210 can also be an alternative operating system, such as the previously-mentioned operating systems.")(paragraph [0013, 0059]) and cooperating to aggregate (i.e. "Attachment extractor inserts URL into the original attachment, and if the attachment was transformed, puts the converted attachment back into the body of the original message as a MIME object" The preceding text clearly indicates that the converted attachment is put back (i.e. aggregated) into the body of the message.)(Figure 5B) email messages (i.e. attachments)(Figure 5B) from said email data storage devices (i.e. SMTP Mail server)(Figure 3) to respective mobile wireless communication devices (i.e. wireless devices)(see Figure 3).

Kirani does not explicitly teach a communication system wherein a protocol interface device comprising a front-end proxy module for communicating with said plurality of mobile wireless communications devices using respective operating protocols.

Gresham teaches a protocol interface device comprising a front-end proxy module for communicating with said plurality of mobile wireless communications devices using respective operating protocols (i.e. "It should be noted that the message flow between terminal 40 and server 20 approximates the normal message flow that would occur between the terminal and the message server (e.g., the message server 195 of FIG. 1) if the terminal were operating in its normal environment. Similarly, the message flow between station 90 and the message server 195 also approximates the normal message flow that would occur between the terminal 40 and the message server if the terminal were operating in its normal environment. However, the quantity of messages flowing between the server 20 and station 90 are minimized in order to reduce the traffic flow on the relatively bandwidth limited wireless connection between the aircraft and the communication service

provider networks 80 or 81 (see FIG. 1). Thus, the proxy operation of the present invention allows the end user (i.e., the passenger) to utilize the terminal 40 in the normal manner such that, from all external appearances, the terminal is coupled directly to the message server 195. Similarly, the proxy operation of the present invention allows the message server 195 to communicate in a manner as if the message server 195 were coupled to the terminal 40 in a conventional fashion.")(Paragraph [0148], Gresham)

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Kirani with the teachings of Gresham to include a communication system wherein a protocol interface device comprising a front-end proxy module for communicating with said plurality of mobile wireless communications devices using respective operating protocols and cooperating to aggregate email messages from said email data storage device to respective mobile wireless communications devices with the motivation to transferring and displaying multimedia data on various types of devices, particularly those with wireless connectivity (Paragraph [0004], Kirani).

As per claims 3, 15, 19, 23 and 27, Kirani teaches a communications system wherein the common interface protocol is able to represent all protocol-supported elements for a most capable operating protocol (i.e. "CGI is an acronym for Common Gateway Interface, a specification for transferring information between a World Wide Web server and a CGI program. A CGI program is any program designed to accept and return data that conforms to the CGI specification. The program could be written in any programming language, including C, Perl, Java, or Visual Basic." "In basic system operation, the message originator (sender) 300 sends a message along with an attachment across the Internet 310a to the recipient 350. If the network does not involve the Internet, then the message is sent across whatever network is being employed. En route to the recipient



the e-mail goes to a standard SMTP mail server (e.g., Sendmail) 315, which filters mail with the multimedia message extractor module 320. In a preferred embodiment employing Sendmail for the SMTP mail server, Sendmail's plug-in architecture is employed. Here, the multimedia message extractor 320 talks to the Sendmail SMTP mail server 315 (e.g., version 8.10, or later), which includes support for "Milter" plug-ins. The Sendmail Mail Filter API (Milter) provides an interface for third-party software to validate and modify messages as they pass through the mail transport system. Filters can process messages' connection (IP) information, envelope protocol elements, message headers, and/or message body contents, and modify a message's recipients, headers, and body. Using Sendmail's corresponding configuration file, one can specify which filters are to be applied, and in what order, allowing an administrator to combine multiple independently-developed filters. Thus in this manner, the Milter plug-in architecture allows a developer to, in effect, plug into the e-mail delivery system for inserting custom subroutines or other processing. Accordingly, in the preferred embodiment, the multimedia message extractor 320 is created as a Sendmail-compatible Milter plug-in. For further description of Sendmail's Milter, see, e.g., "Filtering Mail with Sendmail" available from Sendmail, Inc. (and currently available via the Internet at [http://www.sendmail.com/de/partner/resources/development/-milter\\_api/](http://www.sendmail.com/de/partner/resources/development/-milter_api/)), the disclosure of which is hereby incorporated by reference." (Paragraphs [0014, 0093]).

As per claim 4, Kirani teaches a communications system wherein the most capable protocol comprises Outlook Web Access (OWA) (i.e. "FIG. 3 is a high-level block diagram illustrating an e-mail system modified in accordance with the present invention. As shown in FIG. 3, the working environment of the system includes a message originator (i.e., sender) 300, for instance using a wireless device 303 and/or an Internet-connected PC 306, the public Internet (shown at 310a) connecting a sender to a Sendmail SMTP mail server 315 (available from Sendmail, Inc. of Emeryville, Calif.), a multimedia message extractor 320, a media storage repository 325 (which consists of a media database and a large storage disk), an authentication database 330, an HTTP media delivery server 335, and the public Internet (again shown at 310b) connecting the mail services to a recipient 350, for instance

using another wireless device and/or an Internet-connected PC (not shown). (Internet 310a and Internet 310b both represent the public Internet, but are shown as separate components for simplification of the diagram.) If desired, the public Internet components may instead be a LAN or other private network depending upon the type of network serviced by the mail server." "The multimedia message extractor 320 also communicates with the authentication database 330 to ensure that the sender is registered with the system, and if not, may optionally create an account for the user automatically. The authentication database 330 may also know the device type of the recipient 350 at this point (e.g., based on user registration). Once authentication has been provided by the authentication database 330, the media storage repository 325 may be invoked to reformat/transform a particular target attachment (i.e., according to target device criteria/capabilities), including storing both the original version and the reformatted version. The multimedia message extractor 320 copies the original attachment, and a reformatted copy, if one was made, to the media storage repository 325." "FIG. 6 represents a high-level method 600 comprising the sequential steps in the process of receiving e-mail from the present invention via the link (URL). At step 601, the message recipient clicks on the link delivered in the e-mail body, typically from a Web-enabled the mail client software (e.g., Microsoft Outlook with Internet Explorer). This invocation results in an HTTP request being sent to the HTTP media delivery server; the request contains both the recipient identification and any transform parameters (if any) in the media database. At step 602, if the invoked link and recipient are valid, the system delivers the target attachment. At step 603, if the link is bad or invalid, the Milter facility, the Sendmail filter protocol, delivers an applicable error message to the recipient. Typical of e-mail activity, the recipient may forward the message, with the URL attached, to several other "new" recipients. They, in turn, when accessing the attachment by clicking on the URL they received, proceed to register their client device types and opt for format preferences, if this is their first time using the system."(Paragraphs [0080, 0094], 0117).

As per claims 5, 16, 20, 24, and 28, Kirani does not explicitly teach a communications system wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol.

Gresham teaches a communications system wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol (i.e. "Some messages are accessible directly via HTTP, such as when using XML or WebDAV. Referring to FIG. 11, server 20 includes an HTML web application that requests the passenger to enter their message server address, username and password for this type of retrieval, such as for Microsoft Exchange 2000. Server 20 passes this information to station 90." "FIG. 15 illustrates a proxy send with an HTML terminal and object orientation, such as XML or WebDAV. Server 20 provides an HTML web application to terminal 40 and requests the passenger enter their message server address, username, and password. Server 20 then provides a web-based client to compose messages. The passenger composes a message and approves it to be sent.")(Paragraphs [0155, 0169]).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Kirani with the teachings of Gresham to include a communications system wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol with the motivation to transferring and displaying multimedia data on various types of devices, particularly those with wireless connectivity (Paragraph [0004], Kirani).

As per claim 6, Kirani teaches a communications system wherein said mobile wireless communications devices send access requests (i.e. "FIG. 3 is a high-level block diagram illustrating an e-mail system modified in accordance with the present invention. As shown in FIG.

3, the working environment of the system includes a message originator (i.e., sender) 300, for instance using a wireless device 303 and/or an Internet-connected PC 306, the public Internet (shown at 310a) connecting a sender to a Sendmail SMTP mail server 315 (available from Sendmail, Inc. of Emeryville, Calif.), a multimedia message extractor 320, a media storage repository 325 (which consists of a media database and a large storage disk), an authentication database 330, an HTTP media delivery server 335, and the public Internet (again shown at 310b) connecting the mail services to a recipient 350, for instance using another wireless device and/or an Internet-connected PC (not shown). (Internet 310a and Internet 310b both represent the public Internet, but are shown as separate components for simplification of the diagram.) If desired, the public Internet components may instead be a LAN or other private network depending upon the type of network serviced by the mail server." "The multimedia message extractor 320 also communicates with the authentication database 330 to ensure that the sender is registered with the system, and if not, may optionally create an account for the user automatically. The authentication database 330 may also know the device type of the recipient 350 at this point (e.g., based on user registration). Once authentication has been provided by the authentication database 330, the media storage repository 325 may be invoked to reformat/transform a particular target attachment (i.e., according to target device criteria/capabilities), including storing both the original version and the reformatted version. The multimedia message extractor 320 copies the original attachment, and a reformatted copy, if one was made, to the media storage repository 325." "FIG. 6 represents a high-level method 600 comprising the sequential steps in the process of receiving e-mail from the present invention via the link (URL). At step 601, the message recipient clicks on the link delivered in the e-mail body, typically from a Web-enabled the mail client software (e.g., Microsoft Outlook with Internet Explorer). This invocation results in an HTTP request being sent to the HTTP media delivery server; the request contains both the recipient identification and any transform parameters (if any) in the media database. At step 602, if the invoked link and recipient are valid, the system delivers the target attachment. At step 603, if the link is bad or invalid, the Milter facility, the Sendmail filter protocol, delivers an applicable error message to the recipient. Typical of e-mail activity, the recipient may forward the message, with the URL attached, to

several other "new" recipients. They, in turn, when accessing the attachment by clicking on the URL they received, proceed to register their client device types and opt for format preferences, if this is their first time using the system.")(Paragraphs [0080, 0094], 0117); and wherein said data storage devices send data responsive to access requests (i.e. "FIG. 3 is a high-level block diagram illustrating an e-mail system modified in accordance with the present invention. As shown in FIG. 3, the working environment of the system includes a message originator (i.e., sender) 300, for instance using a wireless device 303 and/or an Internet-connected PC 306, the public Internet (shown at 310a) connecting a sender to a Sendmail SMTP mail server 315 (available from Sendmail, Inc. of Emeryville, Calif.), a multimedia message extractor 320, a media storage repository 325 (which consists of a media database and a large storage disk), an authentication database 330, an HTTP media delivery server 335, and the public Internet (again shown at 310b) connecting the mail services to a recipient 350, for instance using another wireless device and/or an Internet-connected PC (not shown). (Internet 310a and Internet 310b both represent the public Internet, but are shown as separate components for simplification of the diagram.) If desired, the public Internet components may instead be a LAN or other private network depending upon the type of network serviced by the mail server." "The multimedia message extractor 320 also communicates with the authentication database 330 to ensure that the sender is registered with the system, and if not, may optionally create an account for the user automatically. The authentication database 330 may also know the device type of the recipient 350 at this point (e.g., based on user registration). Once authentication has been provided by the authentication database 330, the media storage repository 325 may be invoked to reformat/transform a particular target attachment (i.e., according to target device criteria/capabilities), including storing both the original version and the reformatted version. The multimedia message extractor 320 copies the original attachment, and a reformatted copy, if one was made, to the media storage repository 325." "FIG. 6 represents a high-level method 600 comprising the sequential steps in the process of receiving e-mail from the present invention via the link (URL). At step 601, the message recipient clicks on the link delivered in the e-mail body, typically from a Web-enabled the mail client software (e.g., Microsoft Outlook with Internet Explorer). This

invocation results in an HTTP request being sent to the HTTP media delivery server; the request contains both the recipient identification and any transform parameters (if any) in the media database. At step 602, if the invoked link and recipient are valid, the system delivers the target attachment. At step 603, if the link is bad or invalid, the Milter facility, the Sendmail filter protocol, delivers an applicable error message to the recipient. Typical of e-mail activity, the recipient may forward the message, with the URL attached, to several other "new" recipients. They, in turn, when accessing the attachment by clicking on the URL they received, proceed to register their client device types and opt for format preferences, if this is their first time using the system.")(Paragraphs [0080, 0094], 0117).

As per claim 7, Kirani teaches a communications system wherein the access requests comprise at least one authentication request (i.e. "FIG. 3 is a high-level block diagram illustrating an e-mail system modified in accordance with the present invention. As shown in FIG. 3, the working environment of the system includes a message originator (i.e., sender) 300, for instance using a wireless device 303 and/or an Internet-connected PC 306, the public Internet (shown at 310a) connecting a sender to a Sendmail SMTP mail server 315 (available from Sendmail, Inc. of Emeryville, Calif.), a multimedia message extractor 320, a media storage repository 325 (which consists of a media database and a large storage disk), an authentication database 330, an HTTP media delivery server 335, and the public Internet (again shown at 310b) connecting the mail services to a recipient 350, for instance using another wireless device and/or an Internet-connected PC (not shown). (Internet 310a and Internet 310b both represent the public Internet, but are shown as separate components for simplification of the diagram.) If desired, the public Internet components may instead be a LAN or other private network depending upon the type of network serviced by the mail server." "The multimedia message extractor 320 also communicates with the authentication database 330 to ensure that the sender is registered with the system, and if not, may optionally create an account for the user automatically. The authentication database 330 may also know the device type of the recipient 350 at this point (e.g., based on user registration). Once authentication has been provided by the authentication database 330, the media

storage repository 325 may be invoked to reformat/transform a particular target attachment (i.e., according to target device criteria/capabilities), including storing both the original version and the reformatted version. The multimedia message extractor 320 copies the original attachment, and a reformatted copy, if one was made, to the media storage repository 325."(Paragraphs [0080, 0094]).

As per claim 8, Kirani teaches a communications system wherein the at least one authentication request comprises a user identifier and a user password (i.e. "FIG. 3 is a high-level block diagram illustrating an e-mail system modified in accordance with the present invention. As shown in FIG. 3, the working environment of the system includes a message originator (i.e., sender) 300, for instance using a wireless device 303 and/or an Internet-connected PC 306, the public Internet (shown at 310a) connecting a sender to a Sendmail SMTP mail server 315 (available from Sendmail, Inc. of Emeryville, Calif.), a multimedia message extractor 320, a media storage repository 325 (which consists of a media database and a large storage disk), an authentication database 330, an HTTP media delivery server 335, and the public Internet (again shown at 310b) connecting the mail services to a recipient 350, for instance using another wireless device and/or an Internet-connected PC (not shown). (Internet 310a and Internet 310b both represent the public Internet, but are shown as separate components for simplification of the diagram.) If desired, the public Internet components may instead be a LAN or other private network depending upon the type of network serviced by the mail server." "The multimedia message extractor 320 also communicates with the authentication database 330 to ensure that the sender is registered with the system, and if not, may optionally create an account for the user automatically. The authentication database 330 may also know the device type of the recipient 350 at this point (e.g., based on user registration). Once authentication has been provided by the authentication database 330, the media storage repository 325 may be invoked to reformat/transform a particular target attachment (i.e., according to target device criteria/capabilities), including storing both the original version and the reformatted version. The multimedia message extractor 320 copies the original attachment, and a reformatted copy, if one was made, to the media storage repository 325."(Paragraphs [0080, 0094]).

As per claim 9, Kirani teaches a communications system wherein at least one of said data storage devices is for electronic mail (e-mail) messages (i.e. "The capabilities of the recipient's type of client device are the limiting factor defining the appropriate degree of transformation to apply to subsequent message attachments for delivery to the device. During operation, a delivery server can determine the capabilities of a particular recipient's device type and/or Internet bandwidth by either interaction with the recipient or from database records of antecedent interaction(s) with the recipient. This determination may be based on previously-set configuration information (e.g., using user-specified configuration settings), or may be detected dynamically (e.g., during a request to retrieve e-mail messages from a particular user's e-mail in-box). In instances where compatibility with existing communication protocols is desired, client device configuration information is specified by the recipient user beforehand, for instance, via a Web-page data entry form. If compatibility with existing communication protocols is not required, a communication protocol may be employed that includes protocol commands that allow the capabilities of a target device to be determined without ever interacting with the user." "In cases wherein the capabilities of the client device are determined by database records of antecedent user interactions and where the user uses multiple types of client devices to receive messages from the system, the present invention applies a transformation on the current attachment that corresponds to the least capable in the set of those multiple devices. When applying a protocol allowing determination of recipient device type (e.g., Wireless Application Protocol (WAP)), the present invention may automatically perform the optimum transformation/formatting specific to the targeted type of device, thereby rendering user input unnecessary. In such a WAP-enabled embodiment, if the user used several types of client devices to receive e-mail, the system is capable of automatically delivering and storing multiple formats of all the multimedia attachments.")(Paragraphs [0038-0039]); and wherein said at least one storage device responds to the at least one authentication request with a root folder and target e-mailbox capabilities (i.e. "The capabilities of the recipient's type of client device



are the limiting factor defining the appropriate degree of transformation to apply to subsequent message attachments for delivery to the device. During operation, a delivery server can determine the capabilities of a particular recipient's device type and/or Internet bandwidth by either interaction with the recipient or from database records of antecedent interaction(s) with the recipient. This determination may be based on previously-set configuration information (e.g., using user-specified configuration settings), or may be detected dynamically (e.g., during a request to retrieve e-mail messages from a particular user's e-mail inbox). In instances where compatibility with existing communication protocols is desired, client device configuration information is specified by the recipient user beforehand, for instance, via a Web-page data entry form. If compatibility with existing communication protocols is not required, a communication protocol may be employed that includes protocol commands that allow the capabilities of a target device to be determined without ever interacting with the user." "In cases wherein the capabilities of the client device are determined by database records of antecedent user interactions and where the user uses multiple types of client devices to receive messages from the system, the present invention applies a transformation on the current attachment that corresponds to the least capable in the set of those multiple devices. When applying a protocol allowing determination of recipient device type (e.g., Wireless Application Protocol (WAP)), the present invention may automatically perform the optimum transformation/formatting specific to the targeted type of device, thereby rendering user input unnecessary. In such a WAP-enabled embodiment, if the user used several types of client devices to receive e-mail, the system is capable of automatically delivering and storing multiple formats of all the multimedia attachments.")(Paragraphs [0038-0039]).

As per claim 10, Kirani teaches a communications system wherein said protocol interface device generates an error responsive to at least one non-supported operating protocol (i.e. "CGI is an acronym for Common Gateway Interface, a specification for transferring information between a World Wide Web server and a CGI program. A CGI program is any program

designed to accept and return data that conforms to the CGI specification. The program could be written in any programming language, including C, Perl, Java, or Visual Basic." "In basic system operation, the message originator (sender) 300 sends a message along with an attachment across the Internet 310a to the recipient 350. If the network does not involve the Internet, then the message is sent across whatever network is being employed. En route to the recipient the e-mail goes to a standard SMTP mail server (e.g., Sendmail) 315, which filters mail with the multimedia message extractor module 320. In a preferred embodiment employing Sendmail for the SMTP mail server, Sendmail's plug-in architecture is employed. Here, the multimedia message extractor 320 talks to the Sendmail SMTP mail server 315 (e.g., version 8.10, or later), which includes support for "Milter" plug-ins. The Sendmail Mail Filter API (Milter) provides an interface for third-party software to validate and modify messages as they pass through the mail transport system. Filters can process messages' connection (IP) information, envelope protocol elements, message headers, and/or message body contents, and modify a message's recipients, headers, and body. Using Sendmail's corresponding configuration file, one can specify which filters are to be applied, and in what order, allowing an administrator to combine multiple independently-developed filters. Thus in this manner, the Milter plug-in architecture allows a developer to, in effect, plug into the e-mail delivery system for inserting custom subroutines or other processing. Accordingly, in the preferred embodiment, the multimedia message extractor 320 is created as a Sendmail-compatible Milter plug-in. For further description of Sendmail's Milter, see, e.g., "Filtering Mail with Sendmail" available from Sendmail, Inc. (and currently available via the Internet at [http://www.sendmail.com/de/partner/resources/development/-milter\\_api/](http://www.sendmail.com/de/partner/resources/development/-milter_api/)), the disclosure of which is hereby incorporated by reference." (Paragraphs [0014, 0093]).

As per claim 11, Kirani teaches a communications system further comprising a wide area network (WAN) connecting at least one of said mobile wireless communications devices with said protocol interface device (i.e. "The capabilities of the recipient's type of client device are the limiting factor defining the appropriate degree of transformation to apply to subsequent message attachments for delivery to the device. During operation, a delivery server

can determine the capabilities of a particular recipient's device type and/or Internet bandwidth by either interaction with the recipient or from database records of antecedent interaction(s) with the recipient. This determination may be based on previously-set configuration information (e.g., using user-specified configuration settings), or may be detected dynamically (e.g., during a request to retrieve e-mail messages from a particular user's e-mail in-box). In instances where compatibility with existing communication protocols is desired, client device configuration information is specified by the recipient user beforehand, for instance, via a Web-page data entry form. If compatibility with existing communication protocols is not required, a communication protocol may be employed that includes protocol commands that allow the capabilities of a target device to be determined without ever interacting with the user." "In cases wherein the capabilities of the client device are determined by database records of antecedent user interactions and where the user uses multiple types of client devices to receive messages from the system, the present invention applies a transformation on the current attachment that corresponds to the least capable in the set of those multiple devices. When applying a protocol allowing determination of recipient device type (e.g., Wireless Application Protocol (WAP)), the present invention may automatically perform the optimum transformation/formatting specific to the targeted type of device, thereby rendering user input unnecessary. In such a WAP-enabled embodiment, if the user used several types of client devices to receive e-mail, the system is capable of automatically delivering and storing multiple formats of all the multimedia attachments.")(Paragraphs [0038-0039]).

As per claim 12, Kirani teaches a communications system further comprising a wide area network (WAN) connecting at least one of said data storage devices with said protocol interface device (i.e. "The capabilities of the recipient's type of client device are the limiting factor defining the appropriate degree of transformation to apply to subsequent message attachments for delivery to the device. During operation, a delivery server can determine the capabilities of a particular recipient's device type and/or Internet bandwidth by either interaction with the recipient or from database records of antecedent interaction(s) with the recipient. This determination may be based on previously-set

configuration information (e.g., using user-specified configuration settings), or may be detected dynamically (e.g., during a request to retrieve e-mail messages from a particular user's e-mail in-box). In instances where compatibility with existing communication protocols is desired, client device configuration information is specified by the recipient user beforehand, for instance, via a Web-page data entry form. If compatibility with existing communication protocols is not required, a communication protocol may be employed that includes protocol commands that allow the capabilities of a target device to be determined without ever interacting with the user." "In cases wherein the capabilities of the client device are determined by database records of antecedent user interactions and where the user uses multiple types of client devices to receive messages from the system, the present invention applies a transformation on the current attachment that corresponds to the least capable in the set of those multiple devices. When applying a protocol allowing determination of recipient device type (e.g., Wireless Application Protocol (WAP)), the present invention may automatically perform the optimum transformation/formatting specific to the targeted type of device, thereby rendering user input unnecessary. In such a WAP-enabled embodiment, if the user used several types of client devices to receive e-mail, the system is capable of automatically delivering and storing multiple formats of all the multimedia attachments.")(Paragraphs [0038-0039]).

### **(10) Response to Argument**

Applicant argues:

(1) "Kirani et al fails to disclose a plurality of email data storage devices each using at least one of a plurality of difference operating protocols."

The Examiner disagrees. Kirani teaches a plurality of email data storage devices (i.e. "SMTP Mail server". The Examiner also notes that wireless handheld devices are increasingly popular alternative to desktop computers, which are also used to download and view e-mail messages.)(Figure 3; paragraphs [0006]-[0008]) each using at least one of a plurality of

difference operating protocols (i.e. *"During operation, a server (which embodies the present invention) determines the type of device the recipient is using. This determination may be based on previously-set configuration information (e.g., using user-specified configuration settings), or may be detected dynamically (e.g., during a request to retrieve e-mail messages from a particular user's e-mail inbox). In instances where compatibility with existing communication protocols (e.g., **SMTP**) is desired, client device configuration information is specified by the recipient user beforehand, for instance, via a Web-page data entry form. If compatibility with existing communication protocols is not required, a communication protocol may be employed that includes protocol commands that allow the capabilities of a target device to be determined."* *"When applying a protocol allowing determination of recipient device type (e.g., **Wireless Application Protocol (WAP)**), the present invention may automatically perform the optimum transformation/formatting specific to the targeted type of device, thereby rendering user input unnecessary."* The Examiner notes that the use of SMTP protocol to communicate with other e-mail devices fulfills the recited limitation of **at least one** of the different operating protocols. The Examiner further notes that e-mail storage devices may retrieve email's vial URL, which inherently uses an HTTP protocol. Finally, the Examiner notes that a mobile storage device may use a Wireless Application Protocol (WAP) to retrieve stored email messages and therefore the e-mail storage device may use at least SMTP, HTTP, or WAP as one of plurality of different operating protocols to retrieve e-mail messages. Therefore, the Examiner believes the recited limitations are at least taught in Kirani.)(Paragraphs [0037-0039], [0065]; Figure 3).

(2) "Applicants submit that the Examiner's proposed combination is improper because the cited prior art teaches away from the selective combination of Kirani et al., and Gersham et al."

The Examiner disagrees. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the

claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to transferring and displaying multimedia data on various types of devices, particularly those with wireless connectivity is at least found in Kirani (Paragraph [0004], Kirani).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Farhan Syed



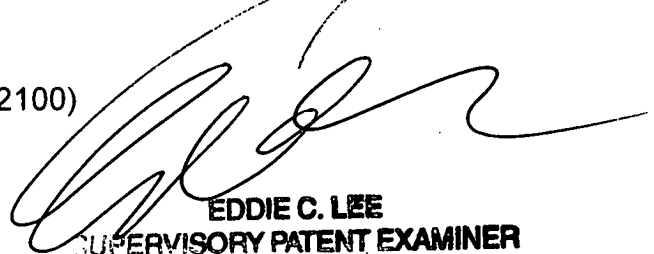
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